

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

ALFREDO GUTIERREZ HERNANDEZ §  
VS. § CIVIL ACTION NO. 4:16cv295  
UNITED STATES OF AMERICA § CRIMINAL NO. 4:13CR00013-004

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Christine A. Nowak. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

**ORDERED** that the motion to vacate, set aside or correct a sentence pursuant to 28 U.S.C. § 2255 is **DISMISSED** without prejudice. Fed. R. Civ. P. 41(b). All other motions not previously ruled on are hereby **DENIED**.

**SIGNED** this 14th day of November, 2018.

  
\_\_\_\_\_  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE